

SENATE BILL No. 141

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-14-3-8; IC 9-24-18-9; IC 9-30-13-3.

Synopsis: Driver's license penalty for criminal mischief. Provides that when a person uses: (1) a motor vehicle; (2) an off-road vehicle; or (3) a snowmobile; to commit criminal mischief, the court shall order that the person's driver's license be suspended for a certain period or that the person not be issued a driver's license for six months after otherwise becoming eligible for a driver's license.

Effective: July 1, 2007.

Paul

January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 141

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-14-3-8, AS AMENDED BY P.L.2-2005,
2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 8. (a) The bureau may establish a driving record
4 for an Indiana resident who does not hold any type of valid ~~driving~~
5 **driver's** license, as provided in IC 9-24-18-9.

6 (b) The bureau shall establish a driving record for an unlicensed
7 driver when an abstract of court conviction **or a dispositional decree**
8 is received by the bureau, as provided in IC 9-24-18-9.

9 (c) A driving record under this section may not include voter
10 registration information.

11 SECTION 2. IC 9-24-18-9 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau may
13 establish a driving record for an Indiana resident who does not hold any
14 type of valid ~~driving~~ **driver's** license. The driving record shall be
15 established for an unlicensed driver when an abstract of court
16 conviction **or a dispositional decree** has been received by the bureau.
17 The record shall be maintained for not less than three (3) years for each

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1 unlicensed driver.

2 (b) If an unlicensed driver applies for and receives any type of
3 ~~driving driver's~~ license in Indiana, the person's driving record as an
4 unlicensed driver shall be recorded on the permanent record file. An
5 unlicensed driver who has had at least two (2) traffic violation
6 convictions **or dispositional decrees** in Indiana within twenty-four
7 (24) months before applying for any type of ~~driving driver's~~ license
8 may not be issued a license within one (1) year after the date of the
9 second traffic conviction **or dispositional decree** as indicated on the
10 abstract of court conviction **or dispositional decree** record. If the
11 bureau issues a license without knowledge of the second conviction **or**
12 **dispositional decree**, the bureau shall suspend the license upon
13 learning of the second conviction **or dispositional decree** and notify
14 the person of the reason for the suspension and the term of the
15 suspension.

16 (c) The bureau shall also certify traffic violation convictions **or**
17 **dispositional decrees** on the driving record of an unlicensed driver
18 who subsequently receives an Indiana ~~driving driver's~~ license.

19 SECTION 3. IC 9-30-13-3 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) For a person who
21 uses:

22 (1) a motor vehicle;

23 (2) **an off-road vehicle (as defined in IC 14-8-2-185); or**

24 (3) **a snowmobile (as defined in IC 14-8-2-261);**

25 to commit criminal mischief under IC 35-43-1-2, the judge of the court
26 in which the person is convicted, **or, if the person is subject to the**
27 **juvenile court, is adjudicated as a delinquent child for commission**
28 **of the act**, may recommend that the current driver's license of the
29 person be suspended for not less than sixty (60) days and not more than
30 two (2) years.

31 (b) **The court shall deliver an order recommending the**
32 **suspension of the person's driver's license under subsection (a) to**
33 **the bureau. The bureau shall suspend the person's driver's license**
34 **for the period ordered by the court.**

35 (c) If:

36 (1) a person is convicted or receives an adjudication as a
37 delinquent child for the commission of criminal mischief
38 under IC 35-43-1-2 in which the person uses a motor vehicle,
39 off-road vehicle, or snowmobile; and

40 (2) the person does not hold a driver's license;

41 the court may recommend that the person may not be issued a
42 driver's license from the bureau until six (6) months after the

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1 **earliest date the person would otherwise be eligible to receive a**
2 **driver's license from the bureau. The court shall deliver an order**
3 **to the bureau recommending the denial of the issuance of a driver's**
4 **license during the six (6) month period described in this subsection.**
5 **The bureau may not issue a driver's license to the person until the**
6 **date specified in the court's order.**

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